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DATE FILED: 12/17/09

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SUI-YANG HUANG,

Plaintiff,

v.

ADVANCED BATTERY TECHNOLOGIES,
INC.,

Defendant.

No.: 1:09 Civ. 08297 (HB) (MHD)

STIPULATION AND ORDER

WHEREAS, on December 7, 2009, defendant Advanced Battery Technologies, Inc. filed a motion for an order either (a) dismissing this action on the grounds of *forum non conveniens*, or, in the alternative, (b) dismissing the tort and quasi-contract claims asserted in plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim for relief;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that:

1. Any papers in opposition to ABAT's motion to dismiss must be filed on or before January 21, 2010;
2. Any reply papers in further support of ABAT's motion to dismiss must be filed on or before February 18, 2010;

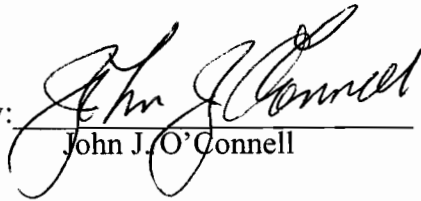
3. While ABAT's motion to dismiss is pending, all discovery and other proceedings in this action shall be stayed, *and for 45 days until March 30, 2010* X/Am

~~4. The stay pending ABAT's motion to dismiss can be reconsidered upon plaintiff's application, after his submission of papers in opposition to ABAT's motion to dismiss~~

4) and the PTSO will take effect on that day. NBN

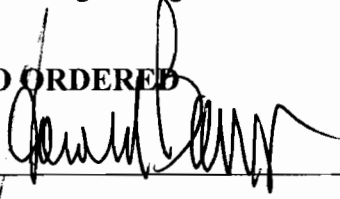
Dated: New York, New York
December 17, 2009

DAI & ASSOCIATES, P.C.

By: 
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Attorneys for Plaintiff
Sui-Yang Huang

SO ORDERED


UNITED STATES DISTRICT JUDGE

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